

## UNITED STATES DISTRICT COURT

for the

Northern District of California

**FILED**

Sep 17 2020

SUSAN Y. SOONG  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO

United States of America

v.

Weizen Frias

Case No. 3:20-mj-71329 MAG

*Defendant(s)***CRIMINAL COMPLAINT**

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of May 28, 2019 in the county of Sonoma in the  
Northern District of California, the defendant(s) violated:*Code Section*18 U.S.C. §§ 2252(a)(4)(B) and  
2252(b)(2)*Offense Description*

Possession of Child Pornography

Maximum penalties:

-20 years of imprisonment

-3 years of supervised release

-\$250,000 fine

-\$100 mandatory special assessment

This criminal complaint is based on these facts:

Please see attached Affidavit of Special Agent Ann Trombetta.

☒ Continued on the attached sheet.Approved as to form /s/ Dan Karmel  
AUSA Dan Karmel

s/

*Complainant's signature*

FBI Special Agent Ann Trombetta

*Printed name and title*

Sworn to before me by telephone.

Date: 09/17/2020City and state: San Francisco, CA*Judge's signature*

Hon. Joseph C. Spero, Chief U.S. Magistrate Judge

*Printed name and title*

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**AFFIDAVIT OF SPECIAL AGENT ANN TROMBETTA IN SUPPORT OF CRIMINAL COMPLAINT, SUMMONS, AND ARREST WARRANT**

I, Ann Trombetta, being duly sworn, state:

**INTRODUCTION AND PURPOSE OF AFFIDAVIT**

1. This affidavit is submitted in support of a criminal complaint, summons, and arrest warrant charging Weizen Felipe FRIAS with possession of child pornography, in violation of 18 U.S.C. §§ 2252(a)(4)(B) and 2252(b)(2).

2. I am a Supervisory Special Agent with the Federal Bureau of Investigation ("FBI") and have been so employed since January 2010. I am currently assigned to the FBI San Francisco Field Office, seated in the Santa Rosa Resident Agency, where my responsibilities include supervising eleven Special Agents and their investigations of crimes against children, gangs, narcotics trafficking, firearms-related, bank fraud, and healthcare fraud offenses.

3. My training included attending a twenty-one week FBI new agent basic training during which I received instruction on various aspects of federal investigations. In addition to new agent training, I have received approximately one hundred and twenty hours of training related to computer and internet crime and approximately one hundred and twenty hours of training related to crimes against children. I have substantially participated in investigating crimes relating to sex trafficking, child pornography, kidnappings, gangs, firearms, intellectual property rights violations, computer intrusions, and internet fraud.

4. Prior to joining the FBI, I was admitted to the California State Bar, and worked as a Deputy District Attorney and Deputy Public Defender.

5. The information contained in this affidavit is based on my personal knowledge and experience as a Special Agent of the FBI, as well as information provided to me by other law enforcement officers involved in this investigation. I have not included in this affidavit every fact known to me. I have included only those facts that I believe are necessary to establish probable cause in support of a criminal complaint, summons, and arrest warrant.

### **APPLICABLE LAW**

6. Pursuant to Title 18 U.S.C. § 2252(a)(4)(B), it is unlawful for any person to knowingly possess or access with intent to view one or more books, magazines, periodicals, films, video tapes, or other matter which contain any visual depiction that has been mailed, or has been shipped or transported using any means or facility of interstate or foreign commerce or in or affecting interstate or foreign commerce by any means, including by computer, or that was produced using materials that have been mailed or shipped or transported in or affecting interstate commerce by any means, including by computer, if the producing of such visual depiction involves the use of a minor engaging in sexually explicit conduct, and the visual depiction is of such conduct. Pursuant to Title 18 U.S.C. § 2252(b)(2), a violation of § 2252(a)(4)(B) that involves a visual depiction of a prepubescent minor or a minor who had not attained 12 years of age is punishable by a fine under Title 18 and imprisonment for not more than 20 years.

7. The elements of the offense are as follows: (1) the defendant knowingly possessed matters that the defendant knew contained visual depictions of minors engaged in sexually explicit conduct; (2) the defendant knew each visual depiction contained in the matters was of a minor engaged in sexually explicit conduct; (3) the defendant knew that production of such visual depictions involved use of a minor in sexually explicit conduct; and (4) each visual depiction had been either mailed, shipped, or transported through interstate or foreign commerce, or produced using material that had been mailed, shipped, or transported in interstate or foreign commerce by computer or other means.

### **STATEMENT OF FACTS ESTABLISHING PROBABLE CAUSE**

#### **A. Identification of S.F.**

8. On November 21, 2018, the Santa Rosa Police Department (“SRPD”) received a report of child pornography from an employee at a data recovery company in Brooklyn, New York. While reviewing data recovered from a Samsung hard drive that had been submitted by a man referred to herein as S.F., the reporting party had identified folder names and images he

believed to be child pornography, including images of children in bikinis, in see-through clothing, and nude with exposed genitalia.

9. In coordination with SRPD, the New York City Police Department (“NYPD”) recovered the Samsung hard drive, two other hard drives that had been submitted by S.F., a USB drive onto which data recovered from the Samsung hard drive had been copied, and documents associated with S.F. NYPD thereafter sent the recovered devices and paperwork to SRPD.

10. On December 6, 2018, a Sonoma County Superior Court judge signed a search warrant authorizing the search of the three hard drives and one USB drive.

11. A review of the USB drive revealed a folder with over 40,000 images, some of which were child pornography.

#### **B. Search of Residence in Santa Rosa**

12. The documents retrieved from the data recovery company listed S.F. as having a home address in Santa Rosa (the “Subject Premises”). A records check confirmed S.F.’s address to be the Subject Premises. Law enforcement also conducted surveillance of the Subject Premises and identified a vehicle registered to S.F., as well as a vehicle registered to FRIAS.

13. On May 22, 2019, a Sonoma County Superior Court judge signed a search warrant authorizing the search of the Subject Premises, and seizure of all electronic data processing and storage devices, cell phones, computers, and computer systems, as well as any items tending to establish the identity of persons who had dominion and control of the location.

14. On May 28, 2019, SRPD officers executed the search warrant at the Subject Premises. During the search, law enforcement located a running Antec computer in a bedroom that S.F. had stated belonged to FRIAS. In the room were also several pieces of indicia bearing the name Weizen Frias. Upon turning on the computer monitor, open file folders containing child pornography were located. One of the files appeared to be a two to three-year-old female orally copulating an erect adult male penis. Also seized from this room were a black Eagle Tech Consus storage device and a silver HP personal media drive.

15. During the search, S.F. advised law enforcement that FRIAS was currently working as a preschool teacher at the Head Start Program somewhere in Windsor. Officers left the Subject Premises and made contact with FRIAS at the Head Start Program, located in Windsor, California. FRIAS admitted to law enforcement that he possessed and viewed the child pornography that was located on the Antec computer in his bedroom. He further admitted to using The Onion Router (“TOR”) to download the child pornography. TOR is commonly used to view, download, and share child pornography images based on the ability for users to remain anonymous. He also admitted to using eMule to send and receive child pornography images and videos. eMule is a free peer-to-peer file sharing application for Microsoft Windows.

**C. FBI Review of Devices Seized from FRIAS’s Bedroom**

16. On July 11, 2019, I swore out a search warrant in the Northern District of California in front of Magistrate Judge Thomas Hixson. Pursuant to that search warrant, a number of the devices seized by SRPD were forensically imaged by the FBI, and I reviewed the information retrieved from those devices. From the Antec, Eagle Tech, and HP devices seized from FRIAS’s bedroom, I viewed over 30,000 images and videos containing child sexual abuse material (also referred to as child pornography).

17. Thousands of these images and videos portrayed sadistic or masochistic conduct or other depictions of violence, or sexual abuse or exploitation of infants or toddlers.

**D. Interstate or Foreign Commerce**

18. Based on my training and experience, I believe that the electronic equipment manufactured by Antec, Eagle Tech, and HP utilized by FRIAS to access and store child pornography was manufactured outside of the state of California and therefore traveled in interstate or foreign commerce. FRIAS’s use of TOR and eMule also demonstrates that he used the Internet in order to access the child pornography, and the Internet is an instrumentality and channel of interstate commerce.

19. Based on my training and experience, I believe that the images and videos found on FRIAS’s electronic devices meet the federal definition of child pornography and that FRIAS

is in violation of 18 U.S.C. §§ 2252(a)(4)(B) and 2252(b)(2).

**REQUEST TO SEAL AFFIDAVIT, CRIMINAL COMPLAINT, SUMMONS, AND  
ARREST WARRANT**

20. Based on my training and experience, disclosure of the existence of this affidavit, the complaint, the summons, the arrest warrant, and related documents may cause FRIAS to destroy evidence or conceal on-going criminal activity, jeopardizing the progress of the ongoing investigation. I therefore request that the Court seal this affidavit, the complaint, the summons, the arrest warrant, and related documents.

**CONCLUSION**

21. On the basis of my participation in this investigation and the information summarized above, there is probable cause to believe that on or about May 28, 2019, in the Northern District of California, FRIAS committed the crime of possession of child pornography, in violation of 18 U.S.C. §§ 2252(a)(4)(B) and 2252(b)(2).

I swear under penalty of perjury that the foregoing statements are true and correct to the best of my knowledge, information, and belief.

Respectfully submitted,

s/

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ANN A. TROMBETTA  
Special Agent  
Federal Bureau of Investigation

Sworn to before me over the telephone and signed by me pursuant to Fed. R. Crim. P. 4.1 and 4(d) on this 17th day of September, 2020.

  
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HON. JOSEPH C. SPERO  
Chief United States Magistrate Judge